

AUG 22 2006

Serial No. 10/791,429
60130-1940; 03MRA0093**BEST AVAILABLE COPY****REMARKS**

Applicant thanks the examiner for the detailed remarks and analysis. Claims 1-18 remain in this application. Claims 2 and 19 have been cancelled.

Claims 1-6, and 8-15 were rejected as being anticipated by Won et al. (U.S. 6,029,873). Won et al. discloses a retractable roof rack including rectangular channels (16,17) into which are stored rectangular rack elements (30). A gap is provided between each of the rectangular rack elements and the side walls of the channels (16) with the rack elements (30) in a stowed position. (Won et al. Figures 6 and 7).

Claim 1 requires a plurality of recesses within a roof surface and a plurality of rack elements movable between a stowed position where at least a portion of the rack elements are received within the plurality of recesses such that the plurality of rack elements and the roof surface comprise a continuous uninterrupted surface. Support for this limitation is found in paragraph 27, and figure 4 of the originally submitted specification.

The rack elements disclosed in Won et al. are stored in substantially rectangular channels that require a clearance gap (See Won et al. Figures 6 and 7) to facilitate movement between positions. Further, the rectangular channels (30) include walls that are disposed substantially normal to the roof surface, also contributing to the necessity for the clearance gaps between the rack elements and the channels when in the stowed position. Accordingly, Won et al. does not disclose or suggest the limitation of a continuous uninterrupted surface as is required by claim 1.

Further, claim 3 requires that each of the plurality of recesses are defined by surfaces that are non-perpendicular with a plane of the roof surface. As shown in Figures 6 and 7, the Won et al. device includes angles that are required to be normal to the roof surface. Accordingly, Won et al. does not disclose or suggest the features of claim 2.

Claim 5, requires that the plurality of rack elements be stowable at least partially within the plurality of recesses when in the stowed position such that a portion of each of the plurality of rack elements is disposed above the plane. Support for this amendment can be found in Figures 4 and 5 and paragraph 31 of the specification. Won et al. does not disclose or suggest this feature.

Claim 6 requires that a portion of the plurality of rack elements form a portion of the continuous uninterrupted surface. Won et al. does not disclose or suggest a continuous uninterrupted roof surface. Instead, Won et al. discloses clearance gaps required for moving the rack elements into and out of the channels.

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Claim 10 requires that none of the plurality of recesses include a surface substantially normal to a plane defined by the roof surface. Won et al. includes only sides that are substantially normal to the surface of the roof. (Won et al. Figures 4-7).

Claim 11 requires that a portion of each of the plurality of rack elements are disposed at least partially above a plane defined by the roof surface when in the stowed position. Won et al. does not disclose or suggest such a feature. Instead, Won et al. discloses large channels for concealing the rack elements.

Accordingly, claims 1-6 and 8-15 include limitations not disclosed or suggested by Won et al. Accordingly, the claims cannot be anticipated by Won et al.

Claims 7 and 16-19 were rejected as being obvious over the combination of Won et al. in view of Foster et al. (U.S. 5,096,106). Claim 7 requires that the rack elements comprise a generally oval shape. Claim 7 depends from claim 1, and claim 1 includes limitations not suggested or disclosed in the proposed combination. Accordingly, claim 7 is in allowable form.

Claim 16 requires that the rack elements comprise an oval cross-section, and that the recesses comprises a shape corresponding to the rack elements. Claim 16 depends ultimately from claim 10 which is in allowable form. Accordingly, claim 16 is also in allowable form.

Claim 17 requires that a plurality of rack elements be movable between a stowed position where at least a portion of the each of the plurality of rack elements are disposed below a vehicle roof such that each of the plurality of rack elements and the vehicle roof comprise a continuous uninterrupted surface. The proposed combination does not disclose or suggest this limitation. Won et al. includes deep rectangular channels that require a clearance gap, and Foster et al. does not include recesses or channels. Accordingly, the limitations of claim 17 are not disclosed or suggested by the proposed combination.

Accordingly, the claims are believed in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

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